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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,458	08/25/1999	YOSHIHIRO WATANABE	21.1918	5255
21171	7590	07/26/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			PIZARRO, RICARDO M	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/382,458

Applicant(s)

WATANABE, YOSHIHIRO

Examiner

Ricardo Pizarro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 14-17, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 3-6, 8, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2, 7, 15-17 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent No. 6,229,820 ( Kanemaki).

Regarding claim 1, Kanemaki discloses a path setting device to secure for a subscriber bandwidth for a plurality of paths that are to be used together ( Switching system in Fig. 1) to carry data to provide an application service from a service provider to the subscriber, comprising: means for determining whether a received message is a request message for a first path of the plurality of paths ( Control unit 14 execute s control of call setting therefore determines type of message, col 8 lines 34-35) , the request message including first bandwidth information for the first path of the plurality of paths and second bandwidth information for a second path of two or more paths of the plurality of paths used for carrying the data of the application service required by the subscriber( said bandwidth request message containing request for two or more connections, col 14 lines 64-67, Fig. 9, col 9 lines 46-47); and means for securing the plurality of paths and a bandwidth for the plurality of paths based on the bandwidth

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information of the two or more paths in the request message for the first path between the service provider and the subscriber, where the securing is in response to receiving the request message for the first path( CPU 15 a in Fig. 1 judges whether or not there is securable bandwidth , col 10 lines 20-26) .

Regarding claim 2, Kanemaki discloses further comprising: means for calculating a bandwidth required for all paths set to provide the service for a subscriber based on the requested bandwidth information set in the request message for the first path from the subscriber ( col 9 lines 65-67, col 10 lines 1-3 and 14-19) ; means for comparing the calculated bandwidth to an available bandwidth between the service provider and the subscriber ( col 10 lines 20-26) ; means for securing the calculated bandwidth if the calculated bandwidth is less than or equal to the available bandwidth value (if the result is a plus usable bandwidth value is higher so the requested bandwidth is a lesser value and can be ensured, col 10 lines 24-25) ; means for setting the first path between the service provider and the subscriber in response to the request message for the first path; and means for notifying that it is impossible to set a path to the subscriber if the calculated bandwidth is larger than the available bandwidth ( if there is enough usable bandwidth CPU 15a proceeds with the connecting process., col 10 lines 27-32)

Regarding claim 7, a path setting control method of securing for a subscriber bandwidth for a plurality of paths that are to be used together to carry data to provide an application service from a service provider to the subscriber via a switching system (switching system, in Fig. 1) , comprising: sending a request message for a first path of the plurality of paths from the subscriber to the switching system( DTE 10 sends a

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request message( col 9 lines 43-45) , a request message including first bandwidth information for the first path and second bandwidth information for a second path of two or more paths of the plurality of paths used to carry the data and to thereby provide the application service for the subscriber( request message includes bandwidth information for a first and a second path, col 9 lines 46-53) ; and securing the plurality of paths and a bandwidth for the plurality of paths based on the bandwidth information of the two or more paths in the request message for the first path between the service provider and the subscriber, where the securing is in response to the request message for the first path being received at the switching system (col 10 lines 19-23 and 27-30).

Regarding claim 15, a service provider to provide a service by using multiple paths to a subscriber via a switching system, comprising; means for receiving a request message for a first path from the subscriber via the switching system ( input line interface 11 to switching unit 12 in Fig. 1) ; means for securing a bandwidth of all the multiple paths required to provide the service for a subscriber in response to receiving the request message for the first path( CPU 15a secures bandwidth if there is enough usable bandwidth value, col 10 lines 20-25) ; means for sending a connection message to the switching system in response to receiving the request message for the first path after securing the bandwidth9 CPU waits for the connection response message to the connection request message from another node, col 10 lines 62-63); and means for sending the connection message to the switching system in response to receiving a following request message for another path from the subscriber( control unit executes control of messages., col 8lines 32-36)

Regarding claim 17, a subscriber terminal ( Terminal 10 in Fig. 1) in a network which is provided a service via a switching system using multiple paths from a service provider, comprising: a path selecting device to select an unconnected path having a bandwidth which is largest among paths to provide a requested service( DTE 10 inputs a command purporting that the supply of multimedia services be received and generates a call connection request from large to small bandwidth values, col 9 lines 40-43 and 47-48) ; a message transmitting device to transmit a request message to set the path selected by said path selecting device to the switching system( a connection request message is transmitted by the transmit section of the DTE 10, col 9 lines 55-56) ; and a received message processing device to determine whether there are any paths which have to be set( DTE 10 comes into a standby status to receive by the receive section of the DTE 10 a completion of connection message , col 9 lines 56 and 62), and to instruct the path selecting device to select the path having the largest bandwidth among the remaining paths to provide the service when there is any path which has to be set ( upon receipt by DTE of the connection message interface 11 transmits data containing data of the connection request to control unit 14, CPU executes a program from the plurality of setting processes stored in memory, col 9 lines 64-67, col 10 lines 1-2).

Regarding claim 21, a method of using a switching system ( Switching system in Fig. 1) to obtain, for a subscriber of a service provider, communication paths that together provide a given session of a type of application service provided by one or more servers of the service provider, where the type of application service is predefined

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to require multiple paths ( Image path , text path and voice path , Fig. 9), the method comprising: when initiating the given session, transmitting from a subscriber terminal a request for a first communication path corresponding to a first of the paths that are predefined to be required to provide the type of application service of the given session (request message , col 9 lines 43-44); and receiving the request at a switching system and in response ( Switch unit A in Fig. 1) , based on the request, securing both the first communication path and a second communication path for the given session, where the second communication path corresponds to a second of the paths that are predefined to be required to provide the type of application service of the given session (col 10 lines 20-25 and 27-33).

2. Claims 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Admitted prior art.

Regarding claim 14, Admitted prior art in Fig. 2 discloses a path setting control method of securing for a subscriber bandwidth for a plurality of paths that are to be used together to carry data to provide an application service from a service provider to the subscriber via a switching system, comprising: sending a request message for a first path ( i.e. control channel request set up message) of the plurality of paths from the subscriber to the switching system, where a number of paths required to provide the application service for the subscriber is determined ( it has been determined that are three paths needs to provide the application service i.e. control, voice and image) ; sending as many request messages for the application service as the number of paths successively from the subscriber to the switching system( There are three request

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messages sent that is the same than the number of paths needed) ; and securing at the switching system the bandwidth required for all of the paths in the plurality to provide the application service for the subscriber between the service provider and the subscriber when the number of request messages reaches the number of paths determined according to the request message for the first path ( Securing the bandwidth for the control, voice and Image channel in Fig. 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of. US patent No. 6,229,820 ( Kanemaki)

Regarding claim 16, Admitted prior art ( Fig. 2) discloses path setting control method comprising sending a plurality of request messages from a subscriber to the switching system for different services ( image, voice or control set up), and securing the bandwidth for each of the different paths, as in claim 16

.Admitted prior art did not specifically having said plurality of messages setting in order of large bandwidth to small bandwidth the various bandwidth which correspond to multiple paths required to provide a service , as in claim 16.



Kanemaki discloses a network and switching system , comprising sending a request message from a subscriber to a switching system to set in order of large bandwidth to small bandwidth the various bandwidth according to the different types of paths( connection request message in Fig. 9 including image data, text data and voice data col 9 lines 46-47), as in claim 16.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the bandwidth management disclosed by Kanemaki to the Admitted prior art to obtain a switching apparatus that offers diverse types of services such as voice, image and control.

The motivation to do so is obtaining a switching apparatus capable of decreasing the probability of a connection establishing a request being rejected.

Regarding claim 20, different type channels ( image channel, voice channel disclosed in Fig. 2 of admitted prior art).

#### ***Allowable Subject Matter***

4. Claims 9-13 are allowed.

Claims 3-6, 8, 22, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

***Conclusion***

5. Allowability of claims in previous Office Action is hereby withdrawn due to new art developed.
6. Applicant's arguments filed on 3/22/05 are moot due to the new grounds of rejection.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(571) 273-8300

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

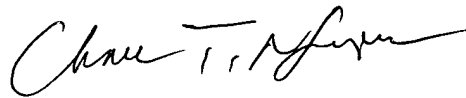
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chau Nguyen** can be reached on (571) 272-3126

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/20/05  
Ricardo Pizarro



**CHAU NGUYEN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**